



# California Regional Water Quality Control Board

## Los Angeles Region



**Terry Tamminen**  
Secretary for  
Environmental  
Protection

Over 51 Years Serving Coastal Los Angeles and Ventura Counties  
Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

**Arnold Schwarzenegger**  
Governor

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### Los Angeles Regional Water Quality Control Board

#### Minutes of December 4, 2003 Regular Board Meeting held at City of Simi Valley Council Chambers, 2929 Tapo Canyon Road, Simi Valley, CA

#### INTRODUCTION

The meeting was called to order by Chairperson Cloke at 9:20 am.

#### Board Members Present

Julie Buckner-Levy, Susan Cloke, Francine Diamond, H. David Nahai, Christopher Pak and Tim Shaheen

#### Board Members Absent

Bradley Mindlin, R. Keith McDonald

#### Staff Present

Dennis Dickerson, Deborah Smith, David Bacharowski, Robert Sams, Michael Lauffer, Ronji Harris, Thomas Siebels, Jenny Newman, Laura Gallardo, Jon Bishop, Blythe Ponek-Bacharowski, Paula Rasmussen, Yue Rong, Rodney Nelson, Hugh Marley, Sam Unger, Cassandra Ownes, Michael Lyons, Mazhar Ali, Jau Ren Chen, Gay Norris, Raymond Jay, Wen Yang, Namiraj Jain, Elizabeth Erickson, Manjulika Chakrabarti, Orlando Gonzalez, Dana Cole

#### Others Present

Bruce Douglas, Questa Engineering  
Donald W. Reeder, Somis Pacific Ag Mgt  
Wayde Hunter, North Valley Coalition  
Robert Roy, Ventura County Agricultural  
Association  
Damon Wing, Ventura Coastkeeper/Wishtoyo  
Foundation  
Chris Panaitescu, Golden West Refining Company  
Moshe Sassover, Golden West Refining Company  
Nicole Bernson, Los Angeles City Council District 12  
Kim Tran, City of Los Angeles, Bureau of Sanitation  
Mel Blevins, ULARA Watermaster  
Bob Morales, DMCI  
Stephanie Carter  
Lucia McGovern, City of Camarillo

Chris Perez, Newhall Land and Farming  
Samuel McIntyre, Beverlywood Water  
Rex Laird, Ventura County Farm Bureau  
Stephen Bachman, United  
Conservation Water District  
Gus Dembegiotes, City of Los Angeles  
Bureau of Sanitation  
Richard Hajias, Camrosa Water District  
Mike Sedell, City of Simi Valley  
David Thompson, City of Los Angeles  
Greg Tonkin, CNF Inc.  
Gerald Brown, Rockwell Scientific  
Robert Mason, CH2M Hill  
Fran Poneker  
Mary Anna Kienholz

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Francis Navickas  
Melissa Spraul  
Greig Smith, Los Angeles City Council  
Curt Fujii  
Mitchell Englander, LA City Council District 12  
Richard Lange  
Becky Bendikson  
Cherrill Mann  
Iris Bancroft

Mary Edwards, North Valley Coalition  
Shahrouzeh Saneie, City of Los Angeles, Bureau of  
Sanitation  
Erik Ricardo, Vopak  
Jim Riley, Simi Valley Landfill & Recycling Center  
Christina Houston, Port of Long Beach  
Dennis Oconnor, Burbank Airport  
Tom Hall, Santa Fe Springs Fire Department  
Paul Parmentier, Golden West Refining Company  
Reddy Pakala, Ventura County Waterworks

Dave Edwards  
Mary Ellen Crosby, Friends of the Park  
Kim Thompson  
Hari Sharme  
Frank Kiesler  
Ralph Kroy  
Barbra Iverson  
Mike Caprio  
Bob Haueter, Deputy Supervisor for  
Supervisor Antonovich  
Jim Aidukas, JTA & Associates  
Jacqy Gamble, Las Virgenes  
Municipal Water District  
Susan Harris  
Wayne Tsuda, City of Los Angeles LEA  
Esther Simmons  
San Rosas  
Mike McKee  
Mike Miller, PVCWD

#### Pledge of Allegiance

1. Roll Call

2. Order of Agenda.

*Items 8.1 and 13 were continued. The presentations for items 8.5, 12.1, and 12.2 were to be combined.*

3.a. The minutes for the November 6, 2003 Regular Meeting were approved.

3.b. The revised minutes for the July 10, 2003 Regular Meeting were approved

3.c. *The Board formed a Nominating Committee to be headed by Board Member Nahai for Chair and Vice Chair in 2004.*

3.d. *The Board postponed adoption of the proposed schedule of Board meetings for 2004 and January 2005.*

4. Board Member Communications and Ex Parte Disclosure

*Chair Cloke reported that she attended several meetings regarding the new Director of the LA City Bureau of Sanitation and the SSO litigation issue. She spoke at LMU to students regarding Ballona Creek and at the Democratic Club of San Gabriel Valley*

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*about the role of the Regional Board. She attended a tour of the Newhall development project.*

5. Executive Officer's Report

*Dennis Dickerson, Executive Officer, updated the Board on compliance with the Halaco CAO, discussed perchlorate sampling results at the Santa Susana Field Lab and the Brandeis Bardin Institute, discussed personnel issues, and gave an update on the entrainment workgroup, the Malibu Task Force, and grant management issues.*

6. Public Forum

*Mike Sedell, City Manager, City of Simi Valley, expressed support of item 10.1, WDRs for the Simi Valley landfill.*

7. Uncontested Items

*There was a motion to approve the following consent items:  
8.2-8.4, 10.1-10.5, 15.*

MOTION: By Vice Chair Diamond, seconded by Board Member Shaheen, and approved on a voice vote. No votes in opposition.

11. Sunshine Canyon Landfill WDRs - Continued

*The public hearing portion of this matter was concluded and closed at the end of the November 6, 2003 meeting. The Board commenced its deliberation at this meeting, include clarifying questions, but did not include any additional public testimony.*

*Michael Lauffer, Staff Counsel, advised the Board not to include a petition submitted by the North Valley Coalition in the administrative record.*

*The Board ruled that the public hearing portion of the matter remain closed and to include the petition ex agenda.*

*The Board asked Los Angeles City Councilmember Smith, the Mayor's office, and the City Attorney's office what actions they had taken since the last Board meeting regarding the landfill expansion, including revocation proceedings, and the timeframe for completion of those actions.*

*Councilmember Smith replied that he had introduced a motion in City Council to examine planning and zoning issues of the landfill and was continuing the study on leachate discharged to the sewer. He stated that these issues would be addressed by January.*



*Brian Williams, Office of the Mayor, replied that the Mayor's office was taking concrete steps in conjunction with the City Attorney's office on waste disposal alternatives, including a transfer station and long haul alternative, in order to get the City out of Sunshine by the conclusion of their contract.*

*Gideon Kracov, Office of the City Attorney, clarified the revocation issue. He explained that they had not yet introduced revocation proceedings for the general plan amendment or the zone change for the expansion. He stated that the motion introduced by Councilmember Smith was regarding a variance granted in the 1970's for the sewer line.*

*Board member Nahai asked staff to address claims made at the last Board meeting that a landfill liner was susceptible to stress cracks caused by all kinds of household products and that staff's proposal for liner thickness was inadequate.*

*Paula Rasmussen, Chief, Groundwater Permitting and Enforcement Section, replied that the liner would not be impacted by the low concentrations of the referenced items typically found in leachate.*

*Board member Pak asked about the construction of the liner and the layers of soil above the liner.*

*Wen Yang, Staff, Landfill Unit, replied that the protective soil above the liner was regular compacted soil and that the proposed liner thickness was consistent with state and federal regulations. He added that by the time the leachate reached the liner the concentration of the referenced household items would be very low. He stated that the concentration of total organics tested in leachate was 200 parts per million.*

*Chair Cloke asked staff to reiterate what the wetlands mitigation plan would be. She asked if the mitigation plan would be brought before the Board for approval.*

*Raymond Jay, Chief, Nonpoint Source Unit, replied that plan was for the mitigation of one acre of actual wetlands area, to be mitigated at a ratio between three to one and four to one in the Chatsworth Reserve area. He added that 401 certifications and mitigation plan approvals were usually performed by staff.*

*Board member Pak asked how the City's proposed actions regarding the landfill related the decision before the Board.*

*Michael Lauffer replied that the outcome of the City's actions were not a prerequisite to the Board's action but that he was sensitive to the Board's desire to have all information available. He stated that the Board was legally required to ensure that state and federal requirements were met, that water quality was protected, and that a condition of nuisance or pollution was prevented.*

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*Chair Cloke asked if it was also true that the City's actions were not dependant on the Board's actions.*

*Mr. Lauffer replied that this was correct and that the City and the Board's actions were on two different tracts.*

*Vice Chair Diamond asked what would happen if the City found a water quality impact after the Board had approved the WDRs.*

*Mr. Lauffer replied that if the City demonstrated a water quality impact or nuisance, it would be incumbent upon the Board to reconsider and revise the WDRs.*

*Sharon Rubalcava, representing BFI, stated that BFI had not had the opportunity to respond to issues raised at the previous meeting and asked to submit a letter with their response.*

*Chair Cloke advised Ms. Rubalcava that the only opportunity she would have to speak at the meeting would be in response to direct Board questions. She ruled that the letter could not be included in the administrative record but could be accepted ex agenda.*

*Board member Pak asked Ms Rubalcava to provide clarification on the variance issue from the discharger's perspective.*

*Ms. Rubalcava replied that the variance investigation and the study of the leachate should not impact the Board's decision because she felt the Board did not have jurisdiction over industrial discharges to the sewer.*

*Board member Cloke asked Bob Haueter what the status of the County's actions was since the last Board meeting.*

*Mr. Hauter replied that the County had not taken any action since the last meeting.*

*There was a motion to continue the item to the January 29, 2003 Board meeting*

**MOTION:** By Board Member Levy, seconded by Board Member Shaheen, and rejected on a voice vote. Board Members Levy and Shaheen voted in favor of the motion. Board Members Cloke, Pak, Diamond, and Nahai voted against the motion.

*There was a second motion to adopt staff's recommendation to approve the WDRs with the following changes:*

- *Insert a new finding No. 47 regarding the necessity of a double composite liner and requiring the installation of such a liner.*



- *Insert a new paragraph "N" entitled "reconsideration" regarding reopeners for the WDRs based on the outcomes of the County health study and cancer cluster analysis and the various studies being conducted by the City.*
- *Insert a new paragraph "O" entitled "water quality certification" specifying that the wetlands mitigation plan would be subject to Board approval.*

**MOTION:** By Board Member Nahai, seconded by Vice Chair Diamond, and approved on a voice vote. Board Members Cloke, Pak, Diamond, and Nahai voted in favor of the motion. Board Members Levy and Shaheen voted against the motion.

*There was a motion to add items 8.5, 12.1 and 12.2 to the uncontested items calendar,*

**MOTION:** By Chair Cloke, seconded by Board Member Shaheen, and approved on a voice vote. No votes in opposition.

14. Proposed Revision to Interim Limits for Los Angeles River Nitrogen TMDL

*Jon Bishop, Chief, Regional Programs Section, gave the staff report. He reviewed the background of the originally adopted TMDL and discussed the City of Los Angeles's concerns about the interim limits specified in that TMDL. He stated that the City felt that the data used in the original TMDL, which was based on pilot plant studies, gave falsely low interim limits. Mr. Bishop stated that staff performed a re-calculation of interim limits based on the most representative data sets and appropriate calculation methods for the Tillman and LA Glendale Water Reclamation Plants. He reviewed the remaining issues and comments given by the City and asked the Board to adopt the revised limits as proposed by staff.*

*There was a motion to adopt the staff recommendation.*

**MOTION:** By Chair Cloke, seconded by Board Member Shaheen, and approved on a voice vote. No votes in opposition.

16. Golden West Refining Company Prospective Purchaser Agreement

*David Bacharowski, Assistant Executive Officer, gave the staff presentation on the proposed resolution authorizing the executive officer to sign a prospective purchaser agreement and covenant not to sue and waste discharge requirements for the remediation of the site. He gave background on the location and previous PPAs for the site and discussed the benefits of the agreement, including restoration, protection against abandonment. He then reviewed the changes in the change sheet.*





*Chris Panaitescu, General Manager, Golden West Refining Company, gave a brief presentation supporting staff's recommendation.*

*Board Member Shaheen asked Mr. Panaitescu what timeframe was necessary to spend the \$5.8 million for cleanup. He then asked how the money was set aside for cleanup.*

*Mr. Panaitescu replied that there were two phases to the project. He stated that the first phase included soil remediation, requiring \$2.9 million to be spent by June or July. He stated that the second phase included groundwater remediation, requiring the remaining \$2.9 million to be spent by the end of next year. He added that the owner signed a commitment that they would have adequate resources for cleanup.*

*Moshe Sassover, Golden West Refining Company, discussed the history of the project and commended staff for their work.*

*Board Member Nahai asked how Golden West Refining was related to Golden Springs Development, the current owner of the property. He then asked how much Golden West received from the HUD award and how it would be used.*

*Mr. Sassover stated that Golden West and Golden Springs were not related in the legal sense.*

*Board Member Diamond asked if any funding would be available beyond the \$5.8 million specified in the PPA and if assurances would be made that this amount was enough.*

*Mr. Sassover replied that these were financially viable companies with a history of performance of successful remediation projects.*

*Board Member Nahai asked about the definitions of occupant and owner in the PPA.*

*Mr. Sassover stated that the definitions are consistent with past PPAs for groundwater.*

*Chair Cloke moved to adopt the WDRs as proposed by staff and to create a committee headed by Board Member Nahai to work on the PPA.*

**MOTION:** By Chair Cloke, seconded by Board Member Shaheen, and approved on a voice vote. No votes in opposition.

17. Info Item – Status of MOUs and Waivers for Onsite Wastewater Treatment Systems

*Dennis Dickerson gave the staff presentation, including background on the requirements of the Board to review and renew or terminate waivers of WDRs for residential septic*

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systems by June 30, 2004. He then discussed staff's proposed approach of negotiating MOUs with local agencies that contained specific risk-based requirements for septic systems in order for the Board to renew the waivers while complying with the Water Code and Basin Plan. He stated that these requirements would be more stringent in sensitive areas where a threat to groundwater or surface water existed.

Bruce Douglas, Questa Engineering, representing the City of Malibu, stated that the City wished to negotiate an MOU and for the waivers to be renewed in the City. He stated that the City felt the MOU should only be a delegation of authority and should not contain specific requirements.

The Board directed staff to prepare a memo and an information item for the January Board meeting. They asked for more detailed information about the status of negotiations with each local agency, the criteria for determining sensitive areas, and the location of sensitive areas under each local agency jurisdiction. They also directed staff to discuss the possibility of retaining Board permitting authority for systems in certain sensitive areas or of requiring limits and monitoring for these systems through MOUs. They also directed staff to identify cities where there would be an economic, social, or water quality related reason to require Board approval of an MOU.

18. Information Item – Agricultural Policy

Raymond Jay, Chief, Nonpoint Source Unit, gave the staff presentation, including an overview of agriculture in the region, the justification for developing the policy, and staff's proposal for regulating agriculture. Staff's proposal included education, outreach, and more structured and transparent cooperation through three approaches - a conditional waiver, a general permit, or individual permits.

Rex Laird, Ventura County Farm Bureau, apprised the Board of their activities related to the policy and stated that most farms under their jurisdiction would be regulated through conditional waivers.

Robert Roy, Ventura County Agricultural Association, supported the process.

Steve Bachman, United Conservation Water District, supported the process. He stated that he was contract manager for a Prism grant project to address pesticide and nutrient issues and asked for the Board's help in moving the process along. He stated that they were ready to move forward and spend their own matching funds.

Damon Wing, Ventura County Coastkeeper, expressed the Coastkeeper's desire to work with the Regional Board and the agricultural community on policy development.

Board Member Shaheen stated he was encouraged by the cooperation of the Ventura County growers and saw an opportunity for everybody to achieve common goals. He asked about other Regions' approaches to agricultural policy. He then asked how many studies had been conducted on runoff.

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*Raymond Jay replied that Region 5 recently adopted a waiver program, and Region 3 had a more nonpoint source based policy. He stated that not enough studies had been done regarding runoff to help with TMDL source identification.*

*Vice Chair Diamond asked what criteria would be used to determine who was subject to the conditional waiver and who would need to obtain permits.*

*Jon Bishop replied that some of the criteria would include a threat to water quality, such as proximity to a 303(d) listed waterbody, and the ability to use BMPs. He stated that staff was envisioning that all three proposed approaches - the waiver, the general permit, and individual permits would all meet the needs of a TMDL implementation plan.*

*Board Member Cloke asked staff to address Dr. Bachman's request about moving Prism grant funding forward.*

*Raymond Jay replied that the grant was awarded, and the scope of work was sent in, which staff was currently reviewing. He stated that the State approval process would take about 60 days and the finance approval could take up to 90 days. He stated that they could start the project, but would not be guaranteed reimbursement of matching funds.*

*Mr. Dickerson added that the scopes of work for these types of grants had to have very clear deliverables so that they would hold up when audited and that was why the process was so long and meticulous.*

#### Adjournment of Current Meeting

The meeting adjourned at 3:50 pm. The next regular meeting is scheduled for January 29, 2004, at the City of Simi Valley Council Chambers, 2929 Tapo Canyon Road, Simi Valley, CA, at 9:00 a.m.

Minutes adopted at the \_\_\_\_\_ January 29, 2004 \_\_\_\_\_ Regular Board meeting submitted/amended.

Written and submitted by: \_\_\_\_\_.

